

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT KNOXVILLE

BYRON ANTHONY LOOPER v. JIM WORTHINGTON, WARDEN

**Appeal from the Criminal Court for Morgan County
No. 9350 E. Eugene Eblen, Judge**

No. E2007-01686-CCA-R3-HC - Filed May 23, 2008

The petitioner, Byron Anthony Looper, appeals the Morgan County Criminal Court's dismissal of his petition for habeas corpus relief from his 2000 Cumberland County conviction of first degree murder. The State has moved to have this court summarily affirm the dismissal pursuant to Rule 20 of the rules of this court. The motion is well taken, and we affirm the order of dismissal pursuant to Rule 20.

**Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Criminal Court Affirmed
Pursuant to Rule 20, Rules of the Court of Criminal Appeals**

JAMES CURWOOD WITT, JR., J., delivered the opinion of the court, in which NORMA MCGEE OGLE and D. KELLY THOMAS, JR., JJ., joined.

Byron Anthony Looper, Sr., appellant, pro se.

Robert E. Cooper, Attorney General & Reporter; and John H. Bledsoe, Assistant Attorney General, for the appellee, State of Tennessee.

MEMORANDUM OPINION

The petition for writ of habeas corpus challenged the petitioner's indictment for the 1998 first degree premeditated murder of Senator Tommy Burks on the grounds that it did not allege certain facts to describe the homicide and that it failed to allege factual premises to support his enhanced sentence of life without the possibility of parole.

The scope of habeas corpus relief is limited. When the object of the challenge is the validity of an indictment that underlies a conviction, the issue is whether "the indictment is so

defective as to deprive the court of jurisdiction.” *Dykes v. Compton*, 978 S.W.2d 528, 529 (Tenn. 1998).

In the present case, the indictment is replete with all the necessary elements. *See State v. Hill*, 954 S.W.2d 725, 727 (Tenn. 1997). Also, our supreme court has held that an indictment need not express the factual premises for enhancement of the sentence. *See, e.g., State v. Reid*, 164 S.W.3d 286, 312 (Tenn. 2005).

Accordingly, the order of dismissal is summarily affirmed.

JAMES CURWOOD WITT, JR., JUDGE